

A U S T I N C I T Y C O U N C I L  
**AGENDA**



Thursday, August 24, 2006

+ Back Print

**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No. 77**

**Subject:** C14-06-0113 - Lee .27 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11209 Plains Trail (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning. Applicant: Robert Lee. Agent: Jim Bennett. City Staff: Jorge E. Rousselin, 974-2975.

**Additional Backup Material**

(click to open)

- ☐ Staff Report
- ☐ Ordinance

**For More Information:**

**ZONING REVIEW SHEET****CASE:** C14-06-0113**Z.A.P. DATE:** July 18, 2006**ADDRESS:** 11209 Plains Trail**OWNER:** Lee Properties (Robert Lee)**AGENT:** Jim Bennett**REZONING FROM:** NO (Neighborhood office) district**TO:** LR (Neighborhood commercial) district**AREA:** 0.276 Acres (12,022.56 sq. ft.)**SUMMARY ZONING AND PLATTING COMMISSION RECOMMENDATION:***July 18, 2006:***APPROVED STAFF'S RECOMMENDATION FOR LR ZONING; BY CONSENT.****[M.HAWTHORNE, J.PINNELLI 2<sup>ND</sup>] (6-0) B.BAKER, J.MARTINEZ, J.GOHIL – ABSENT****SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the rezoning from NO (Neighborhood office) to LR (Neighborhood commercial). The Staff recommendation is based on the following considerations:

- 1.) The proposed land use is compatible with existing commercial and office uses along Plains Trail;
- 2.) Established commercial and office uses along Plains Trail allow for a compatibility of both types of land uses;
- 3.) The proposed rezoning is near the intersection of a major arterial;
- 4.) More intensive commercial uses are best situated near a major arterial; and
- 5.) The North Lamar Study Area recommends commercial uses for this site.

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of a 0.276 acre (12,022.56 sq. ft.) site including a barn/storage area zoned NO. There is accessed via a driveway off Braker Lane and a driveway off Plains Trail. The applicant proposes to rezone the property to neighborhood commercial (LR) district to allow for retail uses. The North Lamar Area Study recommends this site for commercial uses.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	NO	Barn / Storage
<i>North</i>	LR	Undeveloped land
<i>South</i>	NO	Undeveloped land
<i>East</i>	P	Fire station
<i>West</i>	LR-CO	Credit union

**AREA STUDY:** North Lamar**TIA:** N/A (See Transportation comments)**WATERSHED:** Walnut**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

114--North Growth Corridor Alliance

511--Austin Neighborhoods Council

742--Austin Independent School District

**SCHOOLS:**

Austin Independent School District

- McBee Elementary School
- Burnet Middle School
- Lanier High School

**RELATED CASES:** N/A**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-92-0098	NO & SF-3 to LR	11/10/92: RECOMMENDED W/ CONDS.	<p>12/03/92: APPRVD LR-CO: 1<sup>ST</sup> RDG</p> <p>12/17/93: APPRVD LR-CO; 2<sup>ND</sup> &amp; 3<sup>RD</sup> RDGS</p> <p>CO:</p> <p>Prohibited uses:</p> <ul style="list-style-type: none"> <li>• Administrative &amp; professional offices;</li> <li>• Art &amp; craft studio;</li> <li>• Consumer repair services;</li> <li>• Consumer convenience services;</li> <li>• Food sales;</li> <li>• General retail sales (convenience);</li> <li>• Off-site accessory parking;</li> <li>• Personal services;</li> <li>• Professional offices;</li> <li>• Restaurant (limited);</li> <li>• Service station;</li> <li>• Cultural services;</li> <li>• Day care services (commercial);</li> <li>• Day care services (general);</li> <li>• Day care services (limited);</li> <li>• Guidance services;</li> <li>• Local utility services;</li> <li>• Private primary educational facilities;</li> <li>• Private primary secondary facilities;</li> <li>• Public primary educational</li> </ul>

			facilities; <ul style="list-style-type: none"> <li>• College &amp; university facilities;</li> <li>• Communication service facilities;</li> <li>• Safety services;</li> <li>• Public secondary educational facilities;</li> </ul> <ul style="list-style-type: none"> <li>• Max FAR of 0.14:1 not to exceed 12,500 sq. ft. of gross floor area;</li> <li>• Max impervious cover of 65%;</li> <li>• "NO" Site development regs.</li> </ul>
C14-98-0239	NO to GO	02/09/99: ADDPVD STAFF ALT REC OF GO-CO SUBJ TO CONDS (7-1, BB-NAY)	04/01/99: PP TO 6/3/99 BY APPLICANT (7-0)  06/03/99: PP TO 7/15/99 (AP); (7-0) W/COND NO MORE POSTPONEMENT REQUESTS  07/13/99: WITHDRAWN BY APPLICANT
C14-01-0037	North Austin Civic Association Neighborhood Plan	04/17/01: APVD STAFF REC OF NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP, (9-0) W/25' VEG BUFFER ON SOUTH BOUNDARY OF TR 19	05/24/01: APVD PC REC ON ALL 3 RDGS EXCEPT TR 9 (1ST RDG ONLY); (6-0)  07/19/01: TR 9: PP TO 8-9-01 (STAFF); (6-0)
C14-03-0009	NO to SF-3, LR and GR	03/25/03: APVD LR (TR 1), NO (TR 2&3); (8-0)	05/08/03: APVD LR (TR 1), NO (TR 2 & 3); (7-0); 1ST RDG  06/12/03: APVD LR-CO (7-0); 2ND/3RD RDGS
C14-03-0182	GO to CS	02/03/04: APVD STAFF ALT REC OF GR-CO BY CONSENT. (9-0)	03/04/04: APVD GR-CO (6-0); 1ST RDG ONLY  03/25/04: APVD GR-CO (7-0); 2ND/3RD RDGS
C14-02-0179	GR-CO to GR-CO	12/17/02: APVD STAFF REC OF GO-CO BY CONSENT (9-0)	01/09/03: APVD GO-CO (7-0); 1ST RDG  02/13/03: APVD GO-CO (7-0); 2ND/3RD RDGS

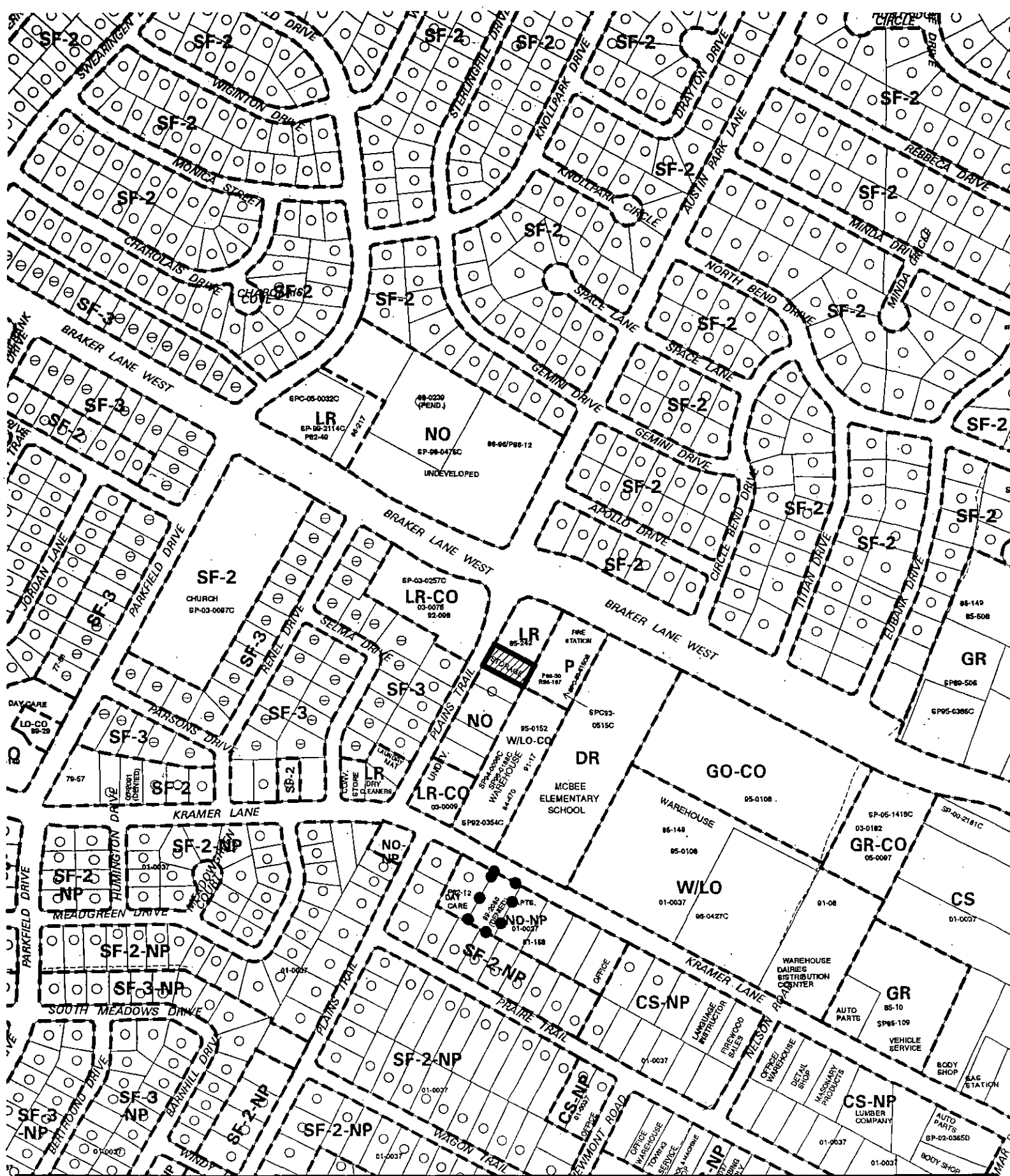
**ABUTTING STREETS:**


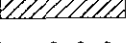


<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bus Route</b>	<b>Bike Route</b>
Plains Trail	50'	27'	Local	No	No	No

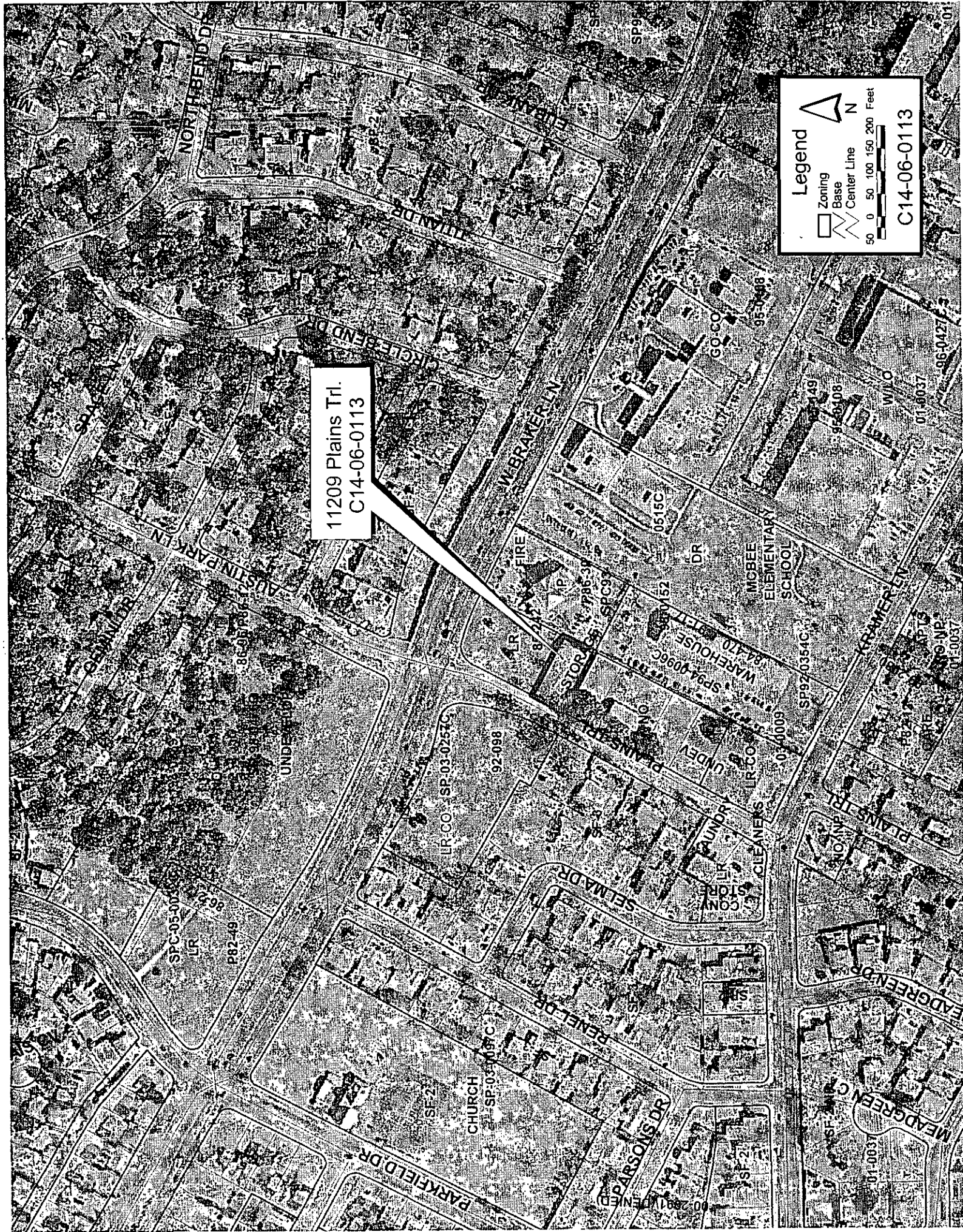
**CITY COUNCIL DATE:**

August 24, 2006

**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)



 1" = 400'	SUBJECT TRACT 	<b>ZONING</b>  CASE #: C14-06-0113 ADDRESS: 11209 PLAINS TRL SUBJECT AREA (acres): 0.270	DATE: 06-07  INTLS: SM.	<b>CITY GRID REFERENCE NUMBER</b>  L32
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: J. ROUSSELIN			



11209 Plains Trl.  
C14-06-0113

**Legend**

- Zoning
- Base
- Center Line

50 0 50 100 150 200 Feet

C14-06-0113

## STAFF RECOMMENDATION

Staff recommends approval of the rezoning from NO (Neighborhood office) to LR (Neighborhood commercial). The Staff recommendation is based on the following considerations:

- 1.) The proposed land use is compatible with existing commercial and office uses along Plains Trail;
- 2.) Established commercial and office uses along Plains Trail allow for a compatibility of both types of land uses;
- 3.) The proposed rezoning is near the intersection of a major arterial;
- 4.) More intensive commercial uses are best situated near a major arterial; and
- 5.) The North Lamar Study Area recommends commercial uses for this site.

## BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

*Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.*

The proposed rezoning meets the purpose statement set forth in the Land Development Code. The site will serve the existing neighborhood. The site is also adjacent to commercial uses and is compatible with existing commercial uses along Plains Trail.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

Compatibility of land uses will be achieved by maintaining commercial uses north of the established office uses along Plains Trail.

## EXISTING CONDITIONS

### Site Characteristics

The subject rezoning area consists of a 0.276 acre (12,022.56 sq. ft.) site including a barn/storage area zoned NO. There is accessed via a driveway off Braker Lane and a driveway off Plains Trail. The applicant proposes to rezone the property to neighborhood commercial (LR) district to allow for retail uses. The North Lamar Area Study recommends this site for commercial uses.

### Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 1,077 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### **Environmental and Impervious Cover**

1. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i><b>Development Classification</b></i>	<i><b>% of Net Site Area</b></i>	<i><b>% with Transfers</b></i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

2. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
5. Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:
  - Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.
6. At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Water and Wastewater**

1. The landowner intends to serve the site with City of Austin water and wastewater utilities.
2. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustment, and utility relocation.
3. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.
4. The plan must be in accordance with the City design criteria.

5. The water and wastewater utility construction must be inspected by the City.
6. The landowner must pay the associated and applicable City fees.

#### **Site Plan and Compatibility Standards**

1. Site plans will be required for any new development other than single-family or duplex residential.
2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

#### **Compatibility Standards**

The site is subject to compatibility standards. Along the west property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

ORDINANCE NO. \_\_\_\_\_

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**  
2 **PROPERTY LOCATED AT 11209 PLAINS TRAIL FROM NEIGHBORHOOD**  
3 **OFFICE (NO) DISTRICT TO NEIGHBORHOOD COMMERCIAL (LR)**  
4 **DISTRICT.**

5  
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7  
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
9 change the base district from neighborhood office (NO) district to neighborhood  
10 commercial (LR) district on the property described in Zoning Case No. C14-06-0113, on  
11 file at the Neighborhood Planning and Zoning Department, as follows:

12  
13 A 0.2771 acre tract of land, more or less, out of Tract One of the L.G. Whitehead  
14 Addition, Travis County, the tract of land being more particularly described by  
15 metes and bounds in Exhibit "A" incorporated into this ordinance,

16  
17 locally known as 11209 Plains Trail, in the City of Austin, Travis County, Texas, and  
18 generally identified in the map attached as Exhibit "B".

19  
20 **PART 2.** This ordinance takes effect on \_\_\_\_\_, 2006.

21  
22  
23 **PASSED AND APPROVED**

24  
25 §  
26 §  
27 §

28  
29  
30  
31  
32  
33  
34

Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

David Allan Smith  
City Attorney

Shirley A. Gentry  
City Clerk

Exhibit "A"

METES AND BOUNDS DESCRIPTION

Being all that certain 0.2771 acre tract or parcel of land out of and part of Tract One, L. G WHITEHEAD ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 15, Page 64, Travis County Plat Records, and being that same tract as described in Deed recorded in Volume 7416, Page 40, Travis County Real Property Records (TCRPR), said 0.2771 acre tract being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron pipe found marking the Southwest corner hereof, same being the Northwest corner of that certain 1.886 acre tract as described in Deed recorded in Document No. 2001175768, Travis County Official Public Records, same being the most Westerly Northwest corner of said Tract One, same being located in the Easterly right-of-way line of Plains Trail (60 feet in width);

THENCE, North  $31^{\circ}08'05''$  East, with the said Easterly right-of-way line of Plains Trail, a distance of 79.48 feet to an iron rod found marking the Northwest corner hereof, same being the Southwest corner of that certain 0.67 acre tract as described in Deed recorded in Volume 8784, Page 840, TCRPR;

THENCE, South  $60^{\circ}12'45''$  East, with the North line hereof and the South line of said 0.67 acre tract, a distance of 150.04 feet to a nail found marking the Northeast corner hereof, same being in the West line of that certain 1.06 acre tract as described in Deed to the City of Austin recorded in Volume 9939, Page 18, TCRPR;

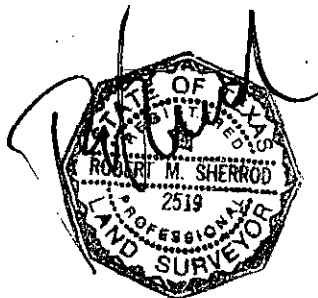
THENCE, South  $30^{\circ}00'45''$  West, with the East line hereof, a distance of 80.61 feet to an iron rod found marking the Southeast corner hereof, same being the Northeast corner of said 1.886 acre tract;

THENCE, North  $59^{\circ}46'45''$  West, with the South line hereof, a distance of 151.60 feet to the POINT OF BEGINNING and containing 0.2771 acres of land.

BASIS OF BEARINGS: Vol. 9764, Pg. 882, TCRPR

Compiled By:

Robert M. Sherrod, R.P.L.S.  
GEO, A. Geographical Land Services Co.  
4412 Spicewood Springs Road, #1002  
Austin, Texas 78759  
April 14, 2006  
GEO Job No. 0611422-A  
North American Title Company  
GF No. 066650102



(S30°02'19"W-200.49')  
S29°58'20"W-199.93'

(S29°40'W)

TCP/IP 15 PAGE 64

NAME	4-10-68	12	1-20
ROOM	4	100	

A circular professional seal for Robert M. Sherrill, a Professional Engineer in the State of Georgia. The seal features the text "STATE OF GEORGIA" at the top, "ROBERT M. SHERRILL" in the center, and "PROFESSIONAL ENGINEER" at the bottom. The number "2519" is also visible.

